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May 30, 2025

Via Electronic Filing

The Hon. Taryn A. Merkl, U.S.M.J.
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Hernandez v. Happy Street LLC et al*
Case No.: 1:22-cv-06918-DG-TAM

Dear Honorable Magistrate Judge Merkl:

This law firm represents Plaintiff Aaron Hernandez (the “Plaintiff”) in the above-referenced action.

The instant letter respectfully serves to advise the Court of the status of the proceedings.

As set forth in the Court’s May 6, 2025 Order [Dckt. No. 64], on or around May 2, 2025 the parties had contacted the Court to advise that they accepted the Court’s mediator’s proposal. On May 7, 2025, Plaintiff’s counsel emailed counsel for Defendants Happy Street LLC, Happy Street Too LLC (together, the “Corporate Defendants”) and Slobodan Radivojevic a/k/a Bob Radivojevic (the “Individual Defendant”, and collectively, the “Defendants”) a copy of a proposed *Cheeks* letter, and long-form settlement agreement. Despite multiple meet-and-conferential attempts, over the span of nearly three (3) weeks, neither Defendants nor Defendants’ counsel have provided Plaintiff’s counsel with any comments to the settlement materials. A true and correct copy of the email chain, from May 7, 2025 to, through and including, May 29, 2025, evidencing Defendants’ non-responsiveness, and Plaintiff’s sincere efforts to avoid judicial intervention, is annexed hereto as Exhibit “A”.

In light of the foregoing, it is respectfully requested that the Court set a date-certain for Defendants to propose their suggested edits to the settlement materials. In the event of Defendants’ continued non-responsiveness, Plaintiff intends to either proceed with the litigation, or to file a motion to enforce the settlement-in-principal achieved following the virtual settlement conference, together with fees and costs. *See Rivera v. Crabby Shack, LLC*, 2019 WL 8631861, at *3 (enforcing binding settlement reached at a virtual mediation, after having found that a litigant refused to execute a long-form settlement agreement).

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

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Encl.